

E-Filed on 08/17/07

**DIAMOND MCCARTHY LLP**

909 Fannin, Suite 1500  
Houston, Texas 77010  
Telephone (713) 333-5100  
Facsimile (713) 333-5199

Allan B. Diamond, TX State Bar No. 05801800  
Email: adiamond@diamondmccarthy.com  
Eric D. Madden, TX State Bar No. 24013079  
Email: emadden@diamondmccarthy.com

Special Litigation Counsel for USACM Liquidating Trust

**LEWIS AND ROCA LLP**

3993 Howard Hughes Parkway, Suite 600  
Las Vegas, NV 89169-5996  
Telephone (702) 949-8320  
Facsimile (702) 949-8321

Susan M. Freeman, AZ State Bar No. 004199  
Email: sfreeman@lrlaw.com  
Rob Charles, NV State Bar No. 006593  
Email: rcharles@lrlaw.com

Counsel for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE  
COMPANY,

USA CAPITAL REALTY ADVISORS,  
LLC,

USA CAPITAL DIVERSIFIED TRUST  
DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED  
FUND, LLC,

USA SECURITIES, LLC,

Debtors.

**Affects:**

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR  
Case No. BK-S-06-10729-LBR

**CHAPTER 11**

Jointly Administered Under Case No.  
BK-S-06-10725 LBR

**MOTION FOR ORDER REQUIRING  
BRIARMEADOW/HOMES FOR  
AMERICA, INC. TO PRODUCE  
ONE OR MORE  
REPRESENTATIVES FOR  
EXAMINATION PURSUANT TO  
FEDERAL RULE OF  
BANKRUPTCY PROCEDURE 2004**

[No hearing required]

Pursuant to Federal Rule of Bankruptcy Procedure 2004, the USACM Liquidating Trust (the "Trust" or "Movant") hereby moves this Court for an order requiring Briar Meadow/Homes for America, Inc. ("Briar Meadow HFA") to produce one or more representatives, as set forth in the subpoena to be issued under Federal Rule of Bankruptcy

1 Procedure 9016, to appear for examination at the office of Diamond McCarthy, LLP, 1201  
2 Elm Street, Suite 3400, Dallas, Texas 75270, on a business day no earlier than ten (10)  
3 business days after the filing of this Motion and no later than September 30, 2007, or at  
4 such other mutually agreeable location, date, and time, and continuing from day to day  
5 thereafter until completed.  
6

7 This Motion is further explained in the following Memorandum.

8  
9 **Memorandum**

10 The Movant seeks information concerning various transactions between  
11 Briar Meadow HFA and USACM, the other debtors in the above-captioned cases (together  
12 with USACM, the “Debtors”), and the Debtors’ affiliates, subsidiaries, parents, or  
13 otherwise related entities. The Movant seeks this information to assist in the collection of  
14 the assets and the investigation of the liabilities of the Debtors.  
15

16 The requested discovery from Briar Meadow HFA is well within the scope of  
17 examination permitted under Bankruptcy Rule 2004, which includes:

18 [t]he acts, conduct, or property or . . . the liabilities and financial condition  
19 of the debtor, or . . . any matter which may affect the administration of the  
20 debtor’s estate, or to the debtor’s right to a discharge. In a . . .  
21 reorganization case under chapter 11 of the Code, . . . the examination may  
22 also relate to the operation of any business and the desirability of its  
23 continuance, the source of any money or property acquired or to be acquired  
24 by the debtor for purposes of consummating a plan and the consideration  
25 given or offered therefore, and any other matter relevant to the case or to the  
26 formulation of a plan.<sup>1</sup>

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<sup>1</sup> FED.R. BANKR. P. 2004(b).

**Conclusion**

Accordingly, the Movant requests that this Court enter the form of order submitted with this Motion.

Dated: August 17, 2007.

**DIAMOND MCCARTHY LLP**

**LEWIS AND ROCA LLP**

By: /s/ Eric D. Madden  
Allan B. Diamond, TX 05801800 (pro hac vice)  
Eric D. Madden, TX 24013079 (pro hac vice)  
909 Fannin, Suite 1500  
Houston, Texas 77010  
(713) 333-5100 (telephone)  
(713) 333-5199 (facsimile)

By: /s/ Rob Charles  
Susan M. Freeman, AZ 4199 (pro hac vice)  
Rob Charles, NV 6593  
3993 Howard Hughes Parkway, Suite 600  
Las Vegas, Nevada 89169-5996  
(702) 949-8320 (telephone)  
(702) 949-8321 (facsimile)

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*Counsel for USACM Liquidating Trust*